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JUL 14 1998

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July 14, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

EX PARTE OR LATE FILED

Re: Ex Parte Notice: CC Docket No. 96-115: CPNI

Dear Ms. Salas:

The enclosed written ex parte presentation was sent on July 14, 1998, to Chairman Kennard and the other Commissioners. It concerns the application to commercial mobile radio services of the Commission's new rules restricting the use of customer proprietary network information. Two copies of the presentation are enclosed and should be entered in the record of this proceeding.

Should there be any questions regarding this matter, please contact this office.

Very truly yours,

John T. Scott, III

John T. Scott, III

cc: Rosalind Allen
Jeanine Poltronieri
Steven Weingarten
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OT/

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S. Mark Tuller
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General Counsel and Secretary

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JUL 14 1998

Federal Communications Commission
Office of Secretary

July 13, 1998

Chairman William E. Kennard
Federal Communications Commission
1919 M Street, Room 814
Washington, D.C. 20554

Re: CC Docket No. 96-115: CPNI

Dear Chairman Kennard:

The pleading cycle on CPNI is closed, and it is time for the FCC to act quickly to repeal or forbear from two of the CPNI rules as they apply to CMRS.

The uncontradicted record shows that the rules will not serve the privacy goals of Section 222 of the Act, but instead will harm CMRS competition, interfere with subscribers' ability to obtain CMRS products and services at the lowest prices, and violate many of the Commission's own policies to promote CMRS.

There is no contrary evidence.

CTIA and many other parties sought reconsideration or forbearance from these rules, which restrict CMRS carriers from using CPNI to market wireless-related CPE and information services such as voice mail, and to seek to win back former customers. 47 CFR §§ 64.2005(b)(1) and (3). Those petitions are unopposed. Every party commenting on them supports removal of the two rules as they apply to CMRS. Not a single party advocates retaining them. Non-CMRS carriers as well advocate deleting these rules as to CMRS. MCI, for example, agrees that using CPNI to engage in the sale of CMRS equipment and information services and in CMRS win back efforts is pro-competitive and should not be restricted.

Enclosed are Bell Atlantic Mobile's comments supporting forbearance from these sections for CMRS, which make the case for forbearance with both legal analysis and competent evidence. Through the declaration of an economist with extensive experience in evaluating the CMRS market and other evidence, we demonstrate that each forbearance prong is met. We

